

Newburyport Waterfront Trust
May 6, 2013
Police Station Conference Room
Minutes

1. Call to Order

A meeting of the Newburyport Waterfront Trust was called to order by Chair Doug Locy at 7:00 p.m.

2. Roll Call

In attendance were members Doug Locy, Si Morrill, Joe Brown and Scott Sutherland. Doug introduced prospective member Jody Fraser, whose appointment has not yet been confirmed by City Council.

3. Minutes

Scott Sutherland moved to approve the minutes of the April 12, 2013 meeting as submitted and the minutes of the April 24, 2013 as amended. Joe Brown seconded the motion. The motion was unanimously approved.

4. Treasurer's Report

Joe Brown said the Trust received approximately \$16,000 in income in the past month. Accounts receivable included a first summer payment for the *Ninth Wave* in the amount of \$2,000; a reimbursement from the NRA for the survey in the amount of \$3,200 and a second payment for the winter lease with bank fees from Mr. Germinara.

Doug Locy moved to approve the payment of a bill in the amount of \$387.50 from the Handyman, Inc. for the repair of spikes on the boardwalk, the replacement of a lock on the storage shed and work on the hoses for the watering system. Si Morrill seconded the motion. The motion was unanimously approved.

A bill in the amount of \$600 was received from Pearson's Hardware for mulch for Somerby's Way. Scott Sutherland questioned a payment for maintenance on property that is partially owned by the NRA. Doug Locy will send a letter and the bill to the NRA indicating the Trust will pay the portion of the bill that was for mulch used on its property.

Doug Locy moved to approve a payment of up to \$1,000 for the installation of the sign at the entrance of Riverside Park providing the DPS is not available to install the sign before that date. Si Morrill seconded the motion. The motion was unanimously approved.

Joe Brown requested that any information that should be included in a draft fiscal spending plan be forwarded to him by May 24 in order that it might be discussed at the June meeting.

5. Park Use Applications

Cheryl Randall of the Commonwealth Newburyport Cancer Center said an annual survivors' day would be celebrated on Thursday, June 20 at the Firehouse. She would

like each of the 100 participants to release a native butterfly in the park at the conclusion of the event. Doug Locy said the submission of an application would not be necessary. Joe Brown moved to approve the event and waive the fee. Scott Sutherland seconded the motion. The motion was unanimously approved.

Mike Houlihan said he would like to his offer free Roots to Wings yoga classes in Waterfront Park for a third year. The classes would take place from 7:30 a.m. to 8:30 a.m. between May 25 and August 24. He submitted a certificate of insurance. Doug Locy moved to approve the application. Scott Sutherland seconded the motion. The motion was unanimously approved.

Michael and Michelle Wilkins wish to renew their wedding vows on the boardwalk on August 25 between 6:30 and 8:00 p.m. There would be no more than 10 participants. The payment was received in full. They will be asked to hold the event by the Matthews memorial and will be reminded not to block the boardwalk. Si Morrill moved to approve the application. Scott Sutherland seconded the motion. The motion was unanimously approved.

6. Merrimac Ale House Plans for a Riverside Park

At the April 24 meeting the Trustees voted to accept an amended letter and conditions for the charitable donation agreement for public access and land conservation at Riverside Park. The declaration and New England Telephone easement will be attached to the documents, which Si Morrill, Scott Sutherland, Doug Locy and Joe Leone signed and Chip Nylan will notarize. Joe Brown did not sign the letter because he did not vote in favor of the agreement. A letter was sent to Planning Board Chair Dan Bowie with a copy of the agreement.

A letter was drafted to Alexander Strycky at the Waterways Program at DEP indicating the Trustees have authorized Merrimac LLC to license, construct and maintain public improvements upon the Trust property. The letter stated that if the Trustees remove or modify the improvements in the future the Chapter 91 License issued to Merrimac LLC would not be jeopardized. It also stated the Trustees might need to modify the Chapter 91 License if changes are made to the improvements. Joe Brown moved to adopt the letter and submit it to DEP with an attached Chapter 91 License plan that has been amended to exclude a sliver of land on the easterly side of the north/south walkway from parking space #66 to the Merrimac Street sidewalk. Si Morrill seconded the motion. The motion was unanimously approved.

7. Brown's Wharf Parking

David Murphy said he would like to make parking improvements at the time the work is being done for the Ale House. Scott Sutherland said a few parking spaces should be set aside for short-term parking, but noted he was not suggesting they be located against the Murphy building. Joe Brown said the parking enforcement officer and the City Clerk told him it is difficult to provide enforcement for short-term parking. He also said that the current rate of \$.50 per hour, which is in effect for limited hours, is not unreasonable. He added that if short-term parking were to be approved, one space should be on NRA

property near the ticket booth and a second should be centrally located in Riverside Park, where it might be used by visitors to the boardwalk or any of the abutting businesses.

Mr. Murphy said the short-term parking should be located near the retail establishments. He would like consideration to be given to his business tenants who would benefit from short-term parking. He would like to continue the walkway in front of his building at his own expense. If parallel parking were created in this area both a walkway and parking spaces could be accommodated, although the number of spaces would be reduced. Doug Locy said he would not be concerned about the loss of the spaces. Si Morrill moved to add two short-term parking spaces for general public use, one of which is to be located adjacent to the water, on a trial basis for the summer. Scott Sutherland seconded the motion. He will work with David Murphy on a plan for a sidewalk and parallel parking near his building. The motion was unanimously approved.

8. Riverside Park Light Fixtures

The design of new fixtures for Waterfront Trust will be given further consideration at a future meeting.

9. Boundary Survey Update

Joe Brown said the most important issue about the survey that must be resolved concerns the AUL. He said the AUL requires that the public and abutters be notified and the applicant must own the land that is to be subject to the order. He said the NRA violated these conditions. No notice was given to the Trust or the condo owners and the AUL was applied to land owned by the Trust. The NRA has been given a form to terminate the AUL and exclude the Trust property but action has yet to be taken. Si Morrill and Joe Brown will communicate with Carol Powers, the attorney for the NRA.

Joe Brown also said the NRA collects \$250 per month in rent from Not Your Average Joe's for the land on which its dumpster sits. The survey has shown that more than half of the dumpster is located on Trust property. The NRA signed an agreement with the restaurant and accepted the first rent check in November 2011. At the November 14, 2012 meeting the NRA voted to authorize Carol Powers to prepare an addendum to the Dumpster agreement with Not Your Average Joe's that would require the restaurant to pay half of each month's rent in a check to the Trust. Joe Brown said he would prefer that the dumpster be removed from the Trust property. Si Morrill moved to collect \$125 per month for rent retroactively. Scott Sutherland seconded the motion. The motion was approved with Joe Brown abstaining. Doug Locy will draft a letter to the NRA.

The NRA owns most of Somerby's Way, but the Trust has been responsible for maintaining the way. Bill Harris recommended the NRA be approached about sharing the cost of maintenance and agreeing in principle to transfer the land to the Trust. Si Morrill will look into the issue further.

Doug Locy said he brought the rocks and trash around the borders of the Trust property to the attention of the NRA and Richard Jones. The City is responsible for maintaining the lots and has contacted ND Landscape to handle the matter.

10. Seaport Grant Funding Requisition

A grant for \$1.98 million was received from the Seaport Advisory Council for the first phase of the work to repair the central waterfront bulkhead. The cost of the project is expected to be over \$2.3 million. Mayor Holaday has requested that the Trust contribute \$25,000 to the cost of the repairs. The NRA and Harbor Commission are also being asked to help fill the gap between the project cost and Seaport grant. The bulkhead is necessary to the Trust's fulfillment of its activities and Joe Brown indicated there are adequate funds in the Trust's account to cover the expense. Bill Harris commented that the new sheet piles would be placed on NRA submerged lands and the Declaration of Trust indicates the City is to pay for capital improvements. Scott Sutherland moved to commit \$25,000 to the City for the repair of the bulkhead. Si Morrill seconded the motion. The motion was unanimously approved.

Doug Locy asked that the meeting be extended to 9:30 p.m.

11. Staging

Mayor Holaday has asked the Trust to contribute to the cost of replacement staging. Joe Brown said the existing stage is adequate for the Trust's needs and larger events should not be encouraged. The Trustees decided the funds would be better spent on the bulkhead repairs.

12. Manager's Report

Charlie Nichols submitted a written report that indicated:

- ND Landscape has asked about deep-root tree feeding and winter moth protection. Joe Brown pointed out that some of the trees are on NRA land. The Trustees would like to know which trees would be involved before agreeing to the treatments.
- Wilson Welding submitted a quote in the amount of \$3,500 for the repair of the fence along Merrimack Street. Scott Sutherland recommended that \$4,000 be added to the budget for the work. Bill Harris commented that one of the ways to the water is located on the west side of the Firehouse and the Trust should not take an action that would block a way.
- The amount of water delivered by the irrigation system has been reduced. The moisture-retaining additive for the soil has not yet been applied. ND Landscape will be consulted about the amount of watering needed after the soil treatment has taken place at the end of the month.

13. Open Space and Recreation Plan

Joe Brown said Cliff Goudey had been communicating with the planners about the Open Space and Recreation Plan. He does not think the plan has been approved yet by the City Council and the Park Committee should offer input on the report. Bill Harris said he thinks the opportunity for providing input has passed.

14. Adjournment

Si Morrill moved to adjourn the meeting at 9:45 p.m. Joe Brown seconded the motion. The motion was unanimously approved.